

BURLINGTON DEPARTMENT OF PUBLIC WORKS COMMISSION MEETING
DRAFT MINUTES, OCTOBER 21, 2015
645 Pine Street
(DVD of meeting may be on file at DPW)

COMMISSIONERS PRESENT: Tiki Archambeau, Chris Gillman, Solveig Overby (via phone), Jeff Padgett, Tom Simon.

COMMISSIONERS ABSENT: Robert Alberry, Jim Barr.

Item 1 – Call to Order – Welcome – Chair Comments

Commission Chair Jeff Padgett calls meeting to order at 6:33pm; commenting on structural changes to meeting; notes public forum and public comment sections for each item, asking those commenting on particular agenda item to choose one of those times to comment; experimenting with 3 minute limit on comments to help all be heard; reminds commissioners about commissioner comment section for their comments and everyone of commission and departmental goals.

Item 2 – Agenda

Director Chapin Spencer requests tabling Item 5 until November meeting; Commissioner Tiki Archambeau makes motion to accept the agenda with the proposed revision and is seconded by Commissioner Chris Gillman; Commissioner Archambeau points out votes need to be done individually due to Commissioner Solveig Overby attending via phone. Vote:

Commissioner Overby: Aye

Commissioner Gillman: Aye

Commission Chair Padgett: Aye

Commissioner Archambeau: Aye

Commissioner Tom Simon: Aye

Item 3 – Public Forum

Marianne J. Danis, of Harrison Ave, supporting some type of banned or permitted parking on Harrison Ave; can't find parking in Lakeside Community during summer due to park visitors trying to avoid paying fees for parking at Oakledge park.

Jason Jodoin, of Harrison Ave, supports no parking on one side of street, or at least a certain section to the corner of Harrison Ave and Proctor Pl; people parking in front of driveway and is an issue mainly in summer – sometimes in autumn – especially on sunny days, weekends, and during events.

Joe Gaida, of Harbor Watch, concerned over Harrison Ave and Proctor Pl intersection at entrance; very narrow area that's hard to get through with all the traffic; concerns over emergency vehicles ability to enter Harbor Watch – several older infirm people live there; favors restricting parking to "Resident Only" on Proctor Pl; raises need for parking in whole Lakeside Community.

Paul Chorniere, of Harbor Watch, concerned over accessibility for emergency vehicles.

Tom Roland favors the motion concerning Harrison Ave due to safety, with a specific concern for bikers.

Jim Dunn, of Central Ave, speaks of a similar problem they had there; similar parking ban helped in the last year and supports the Harrison Ave request; real concern about parking on Proctor Pl because access to pump station often blocked off.

Sandy Wynne, of Mansfield Ave, speaks of needing a 3-way stop at Mansfield Ave and Loomis St intersection; Mansfield Ave is a drag racing street and is against DPW conclusion that new stop signs not needed; references every intersection with Loomis St has an all-way stop, except the one with Mansfield Ave.

Sean McKenzie favors 3-way stop at Mansfield Ave and Loomis St intersection saying it would make a lot of sense.

Paul Asbell, residing at corner of Germain St and Pomeroy St, says he would be drastically affected by proposed changes to parking on Germain St; supports the status quo, but if there are safety issues he wants to be good citizen.

Bob Kiss, of Germain St, says there's been parking on both sides of the street since he moved there in 1977; concerned public safety's being used as a trump card; suggests making Germain St a northbound one-way to add space to Right of Way; references firetrucks city specifically bought to operate in confined spaces; hoping commission recognizes no immediate danger.

Ms. Jodoin, of Lakeside Community, totally agrees with no parking on one side of Harrison Ave and Proctor Pl; doesn't like how St. John's Club patrons park in street; would like to see parking lines on street for specific spaces.

Item 4 – Consent Agenda

A. Harrison Ave Parking

B. State of Vermont Crosswalk Guidelines

Commissioner Archambeau gives friendly recommendation to staff to revisit Proctor Pl public comments since not part of Harrison Ave request; Commission Chair Padgett suggest leaving Harrison Ave item as is and during commissioner comment section blend in Proctor Pl input.

Commissioner Simon makes motion to approve and is seconded by Commissioner Overby. Vote:

Commissioner Overby: Aye

Commissioner Gillman: Aye

Commission Chair Padgett: Aye

Commissioner Archambeau: Aye

Commissioner Tom Simon: Aye

Item 5 – Germain St Parking

Tabled until November meeting during Item 2 discussion.

Item 6 – 3-Way Stop Control at the Intersection of Mansfield Ave & Loomis St

A) Staff Presentation by DPW Engineering Technician Damian Roy: request received from Jim Langan; staff reached out to surrounding streets, receiving a fair number of response, of which everyone favored installation of 3-way stop; staff collected speed and traffic volume data and, using MUTCD guidelines along with AASHTO policy, recommends not installing a 3-way stop at the corner of Mansfield Ave and Loomis St; suggests area residents look into city's traffic calming program.

B) Commissioner Commentary (see video)

C) Public Comment

Jim Langan, Ward 1, clarifies that he doesn't believe he used words "traffic calming" or "speed" for reason of request; concern is poor visibility on road for pedestrians and children accessing the school; believes traffic calming won't make it better and that traffic volume data should have included pedestrians and bikes; questions that the data may not be accurate; cites other stop signs approved by commission in last 18 months which didn't meet guidelines; cites large number of responses from residents and respectfully recommends that the commission deny DPW recommendation.

Ethan Platt, Ward 1, very much supports stop sign there; curious to see if data were removed from times when people cannot go fast, due to school drop off/pickup congestion, would it increase speed averages in data; says school zones are notorious speed areas and states that the poor conditions of sidewalk on east side of Mansfield Ave makes more people cross back and forth across street; there are lots of opportunities for improvement.

Rob Chandler, Ward 1, is very concerned about safety at crossing; thinks number of pedestrians in report undercounted due to people avoiding intersection; since people won't stop they have to wait to cross for an empty street; concerned that potential traffic calming devices would affect safety mission of fire station on Mansfield Ave.

Kevin Macy in favor of stop sign; says it took 4 years to get traffic calming on North St and that's too long to wait with 25 children – half under 10 – present; something needs to be done sooner rather than later.

D) Motion made by Commissioner Simon: table until November meeting

Second by Commissioner Gillman

Vote:

Commissioner Overby: Aye

Commissioner Gillman: Aye

Commission Chair Padgett: Aye

Commissioner Archambeau: Nay

Commissioner Tom Simon: Aye

Discussion

Commissioner Simon: strong sympathy for people but also notes DPW staff are experts; reminds everyone of school and amazed by comment that people are driving more aggressively in a school zone.

Commissioner Gillman: seems commission agrees there's a speed problem but notes stop sign may not be long term solution; notes there's no effective crosswalk.

Commission Chair Padgett: wants to make a motion to approve stop sign on condition that neighborhood applies for traffic enhancement program; if they did DPW staff would get go-ahead to install sign as soon as application made.

Commissioner Archambeau: would oppose Commission Chair Padgett's motion because staff made recommendation against based on data collected by DPW staff.

Commissioner Simon: wondering if because Mansfield Ave is not on the list for mid-block flashing light crosswalk are they restricted from getting on list.

Director Spencer: reminding commission they did pass "State of Vermont Crosswalk Guidelines" earlier; suggests one thing they can do is Item 6 until November; then DPW staff will have month to look at guidelines for flashing beacons and come back with something else.

Action: Motion Tabled

Item 7 – 132 N. Winooski Ave – Life Safety Appeal of Code Enforcement Order/Decision

A) Staff Presentation by Director of Code Enforcement Bill Ward: one of primary functions of Code Enforcement is to inspect rental housing to ensure they're okay under Chapter 18 (Minimum Housing Code); 132 North Winooski Ave is a 3 unit property – the 1st floor unit is the one being discussed here; last inspection found 5 issues that needed to be corrected with 4 issues ultimately corrected; 5th was need to install smoke/CO detector outside of bedroom(s) but within vicinity of bedroom(s); property owner disputes whether additional detector necessary, but the code is specific about detector locations; it's excellent of property owner to have detectors inside both bedrooms, but not having one outside gives less time for warning in event of fire; this needs to be resolved quickly because this is an occupied rental unit.

Appellant Presentation by Mr. Jeffrey Gilbert, property owner: bought property in 2008 and it passed code inspection; property has passed code inspection 4 times before and now a 5th person has come in and property doesn't pass inspection; he gave electrician no permission to pull electrical permit; property found compliant for 11 years and still should since nothing has changed in code.

B) Commissioner Commentary (see video)

Commissioner Simon, due to being friends with appellant witness, recused himself.

C) Public Comment

Chris Gilbert, retired Fire Marshall and appellant witness: code has not changed since 2004; the work was accepted by a master technician, not a code enforcement official with no expertise; building safe in his opinion; warns that the commission could open a can of worms by getting into the differences between city and federal standards; suggests commission seeks professional advice before interpreting national code.

Gene Bergman, acting as legal counsel for the commission: people should try not to mix up different codes, mentioning Habitability Laws and the Minimum Housing Code; informs commission they can choose to deliberate in public or private because the nature of the proceeding is quasi-judicial.

D) Motion made by None

Second by None

Discussion

Commissioner Archambeau: sounds like Director Ward is interpreting code to say another detector needed in common area; mentions 2 codes - minimum housing code and electrical code.

Commission Chair Padgett: all code is asking for is single smoke detector outside those 2 bedrooms; reminds appellant this is about a code inspection, not an electrical inspection when appellant brings up electrical inspection; potential fix may be by changing it to a 1 bedroom apartment.

Commissioner Overby: thinks code is clear; it does get improved over time and but we everyone still needs to follow it.

Commissioner Gillman: both bedrooms are labeled “bedroom” in schematic drawing; skeptical of appellant claim.

Commission Chair Padgett and Commissioner Archambeau: discuss space outside of bedrooms and specific requirements in code about distance of detectors away from kitchen and bathroom doors.

Commission Chair Padgett: asks if commission has received enough information to make a decision and do they need to go into private session?

Commissioner Archambeau: states that is usually what commission does.

Action: move to Executive Session after commission meeting on Attorney Bergman's suggestion that since it's quasi-judicial it can be held anytime.

Item 8 - Draft Minutes of 9-16-15

Commission Chair Padgett suggested to table minutes due to confusion over both September and July minutes and that he needs to look over July and September minutes and discuss structural and content issues with staff.

Commissioner Archambeau motions to table the approval of the September minutes to November meeting and is seconded by Commissioner Simon. Vote:

Commissioner Overby: Aye

Commissioner Gillman: Aye

Commission Chair Padgett: Aye

Commissioner Archambeau: Aye

Commissioner Tom Simon: Aye

Item 9 – Director's Report

Director Spencer informs that a special DPW work session focused on the City's three draft parking and transportation plans will take place Wednesday, October 28 at DPW, starting at 7pm; submitted comments to EPA on phosphorous TMDL document and circulated the City's comments to the Commission; major piece is how we manage it in Lake Champlain; regulation must be fair and flexible among parties in reducing phosphorous in the lake; noted he was not involved in Harrison Ave discussion due to owning piece of property on Proctor Pl; other updates are in written report.

Item 10 - Commissioner Communications

Commissioner Overby: people should pay attention to 3 parking reports; all are interconnected and important for how Burlington develops.

Commissioner Gillman: none.

Commissioner Simon: really respects all commissioners and feels that when they put their minds together they come up with really good solutions to problems facing city; references Mansfield Ave discussion as a tough one with respect to residents and staff recommendations and proud of result that came out of it.

Commissioner Archambeau: bring up issues that were heard tonight; listening to testimony and a call out on Proctor Pl and Pomeroy St comments to Engineer Technician Roy's attention; staff are best to evaluate this; not going to be in town for next Wednesday's parking meeting but will phone in.

Commission Chair Padgett: is for open conversation but says commission should stay away from design decisions; brings up idea of triage of RFS system to deal with issues, with staff doing this work so commission can address broader solutions; attended asset management meeting and says it was great; going to need to form a finance subcommittee to talk with City Council; informed by Attorney Bergman he would need to keep in mind how it fits into Open Meeting Laws.

Item 11 – Executive Session for Appeal

Moved to after commission meeting during Item 7 discussion.

Item 12 - Adjournment & Next Meeting Date - November 18, 2015

Motion made by Commissioner Simon: adjourn meeting

Seconded by Commissioner Archambeau

Vote:

Commissioner Overby: Aye

Commissioner Gillman: Aye

Commission Chair Padgett: Aye

Commissioner Archambeau: Aye

Commissioner Tom Simon: Aye

Meeting ended at 9:23pm.